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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,808	07/14/2005	Erik Berglund	P19238-US1	9930
27045	7590	02/21/2008	EXAMINER	
ERICSSON INC. 6300 LEGACY DRIVE M/S EVR 1-C-11 PLANO, TX 75024			KIM, TAE K	
			ART UNIT	PAPER NUMBER
			2153	
			MAIL DATE	DELIVERY MODE
			02/21/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/520,808

Applicant(s)

BERGLUND ET AL.

Examiner

TAE K. KIM

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 1-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on January 10, 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

This is in response to the Applicant's response filed on December 7, 2007.

Claims 1 – 10 have been previously cancelled by the Applicant. Claims 11 - 20, where Claims 11 and 16 are in independent form, are presented for examination.

Response to Arguments

Applicant's arguments filed on December 7, 2007 have been fully considered but they are not persuasive. Applicant argued:

- a) Hose does not disclose "at least one of said tangible first and second type tags has means for identifying combinations of tangible first and second type tags brought into close proximity of each other and communicate information relating to these tangible tags to the administrative system;"
- b) Hose does not disclose of "providing at least one of said tangible first and second type tags with means for identifying combinations of tangible first and second type tags brought into close proximity of each other and means for communicating information relating to these tangible tags to the administrative system."
- c) Hose does not teach that the relevant location information only comprises the position of the first type tag relative to the position of the second type tag.

Examiner respectfully disagrees with applicant's assertions.

1. With regards to a) and b), Applicant's invention specifies that communication means can be a portable communications means associated with the personal mobile phone and that the unique tag can be the subscriber identity module of the phone. Hose discloses a mobile phone that has personal identification information within the mobile phone (Col. 7, Lines 22-26) that transmits service requests to a local wireless communication base station that has information related to location-based services (Col. 5, Line 60 – Col. 6, Line 11). The proximate base station receives a service request and identification from the phone and transmits location-based service information to the data server, which provides the user a menu for the service requested based on the location of the platform (Fig. 2). Hose discloses tangible first (telephone and user identification) and second (base station location information) type tags, where the second type tag has means for identifying combinations of tangible first and second type tags brought into close proximity of each other (the base station can determine which mobile phones are in proximity of the base station to provide service to the phone) and communication information relating to these tangible tags to the administrative system (transmitting identification information and location information to the platform and data server).
2. With regards to c), Applicant argues that since Hose suggests that an LFE (location finding equipment) or an external system such as a GPS system may be used to find the user location, Hose does not disclose that the relevant location information only comprises the position of the first type tag relative to the

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position of the second type tag. Hose discloses that a LFE can be a network based system that determines that transceiver location based on the analysis of the signals communicated between network equipment and the transceiver. Using a GPS to determine the telephone location is another method applicable to a telephone with a GPS transceiver embodied in the telephone and not the standard within the Hose invention. Therefore, the relevant location information can comprise only of the position of the mobile phone (first tag) relative to the position of the appropriate transceiver or media access point (second tag). Furthermore, the invention *as claimed* does not specify that the relevant location information only comprises the position of the first type tag relative to the position of the second type tag.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 11 – 20 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 7,024,205 B1, invented by David Hose (hereinafter referenced as “Hose”).

1. Regarding Claims 11 and 16, Hose, discloses a system, method, and apparatus (Abstract; Col. 4, Lines 40-43) for media distribution in a physical area (Col. 1, Lines 59-67) comprising of at least one uniquely identifiable tangible first type tag, which can be carried around said physical area by a visiting user (Col. 2, Lines 14-29; Col. 5, Lines 28-32; Col. 7, Lines 1-3, 22-26; Col. 8, Lines 56-62; subscriber information such as

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account numbers, credit card numbers, user preferences, subscriber identifier, service provider identifier, service type identifier, etc. can be transmitted with the service request through the mobile phone). Hose further discloses that the system, method, and apparatus also includes at least one uniquely identifiable tangible second type tag, identifying a media access point in said physical area (Col. 2, Line 46 – Col. 3, Line 15; location of the wireless device is based on location finding equipment inputs and will determine the availability of certain services depending on the wireless device's location and output the selected service information via a mobile switching center; see also, Col. 4, Lines 56-64; the network is divided into a number of service areas or cells and each cell has site equipment for receiving RF signals from wireless phones), an administrative system (Fig. 3; Col. 5, Lines 10-12, 45-49, 56-66; Col. 6, Lines 12-16; platform gathers data regarding the location of the wireless device, the services available within that location, and the preferences of the user to provide a list of corresponding choices to the user-specified service), communication means (Fig. 1; Col. 2, Line 46 – Col. 3, Line 15; location of the wireless device will determine the availability of certain services and the output of the selected service information is provided via a mobile switching center and corresponding data network structure), and at least one of said tangible first and second type tags has means for identifying combinations of tangible first and second type tags brought into close proximity of each other and communicate information relating to these tangible tags to the administrative system (Figs. 1 and 3; Col. 5, Lines 10-12, 45-49, 56-66; Col. 6, Lines 12-16; platform gathers data regarding the location of the wireless device, the services available within

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that location, and the preferences of the user to provide a list of corresponding choices to the user-specified service). Additionally, Hose discloses of an administrative system being arranged to respond to this information through distributing to communication means associated with either of these tangible tags media determined by the received information (Col. 6, Lines 45-53; the mobile switching center (MSC) transmits the service request to the intelligent network application, where the application responds and prompts the MSC to establish a communication channel between the phone and data server and this connection is used to provide the specified services).

2. Regarding Claims 12 and 17, Hose discloses all the limitations of Claims 11 and 16 as stated above. Hose further discloses the inclusion of an event manager associated with the administrative system, where computer-readable events are embedded in the information identifying the tangible tags brought into close proximity of each other and communicated to the administrative system (Col. 8, Lines 50-62; billing program that calculates fees based on usage, e.g., number of uses, duration of uses, type of uses, etc., service requests, or the location of the transaction along with subscriber identification, service provider identification, service type identification, etc. to generate appropriate billing record for the subscriber's use).

3. Regarding Claims 13 and 18, Hose discloses all the limitations of Claims 11 and 16 above. Hose further discloses that the administrative system is integrated in a communication means associated with a tangible first type tag (Col. 6, Lines 55-64; depending on subscriber's service request and preferences, the service provider may have a direct voice and/or data link with the data server or the MSC).

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4. Regarding Claims 14 and 19, Hose discloses all the limitations of Claims 11 and 16 above. Hose further discloses that the tangible first type tag comprises of means for determining the identify of the user (Col. 2, Lines 14-29; Col. 5, Lines 28-32; Col. 7, Lines 1-3, 22-26; subscriber information such as account numbers, credit card numbers, user preferences, etc. can be stored in the phone and transmitted along with the service request).

5. Regarding Claims 15 and 20, Hose discloses all the limitations of Claims 11 and 16 above. Hose further discloses that the administrative system comprises of means for collecting and compiling statistics of a user session (Col. 6, Lines 34-40 – call start and stop signals for billing applications; Col. 8, Lines 52-61 – billing parameters include subscriber identifier, service provider identifier, service type identifier, etc.).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tae K. Kim, whose telephone number is (571) 270-1979. The examiner can normally be reached on Monday - Friday (8:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton B. Burgess, can be reached on (571) 272-3949. The fax phone number for submitting all Official communications is (703) 872-9306. The fax phone number for submitting informal communications such as drafts, proposed amendments, etc., may be faxed directly to the examiner at (571) 270-2979.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

TKK

February 19, 2008



KRISNA LIM
PRIMARY EXAMINER